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UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

10 SEP 29 2004
at ___ o'clock and ___ min. ___ M
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00523-03 SOM
)	
Plaintiff,)	FIRST SUPERSEDING INDICTMENT
)	[21 U.S.C. §§ 846 and 841(a)(1)]
vs.)	
)	
JOSE PRIETO,	(03),)	
)	
Defendant.)	
_____)	

FIRST SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges that:

From a date unknown but from at least on or about May 1, 2003 or about October 26, 2003 in the District of Hawaii and elsewhere, Defendant JOSE PRIETO and Jose M. Mejia, aka "Flaco," aka "Don Jose," Eric R. Mejia, Eduardo Peralta and Vincent Gilbert, not defendants herein, did conspire together with each

other, and with other persons both known and unknown to the Grand Jury, to commit offenses against the United States, that is, to knowingly and intentionally distribute and possess with intent to distribute 50 grams or more of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance and to distribute and possess with intent to distribute a quantity of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

OVERT ACTS

In furtherance of the conspiracy and to effect the objectives thereof, the co-conspirators performed the following overt acts, among others in the District of Hawaii and elsewhere:

1. On or about June 6, 2003, Jose M. Mejia, aka "Flaco," aka "Don Jose," not a defendant herein, did knowingly and intentionally distribute a quantity of methamphetamine, a Schedule II controlled substance.

2. On or about June 9, 2003, Defendant JOSE PRIETO did knowingly and intentionally possess with intent to distribute a quantity of cocaine, a Schedule II controlled substance.

3. On or about July 3, 2003, Jose M. Mejia, aka "Flaco," aka "Don Jose" spoke on the telephone with Eric R. Mejia, not defendants herein, concerning the distribution of a quantity of methamphetamine, a Schedule II controlled substance.

4. On or about July 3, 2003, Jose M. Mejia, aka "Flaco," aka "Don Jose" and Eric R. Mejia, not defendants herein, did knowingly and intentionally distribute a quantity of methamphetamine, a Schedule II controlled substance.

5. On or about July 10, 2003, Eric R. Mejia and Eduardo Peralta, not defendants herein, spoke on the telephone concerning the distribution of a quantity of methamphetamine and a quantity of cocaine, Schedule II controlled substances.

6. On or about July 10, 2003, Eduardo Peralta and Vincent Gilbert, not defendants herein, possessed with intent to distribute a quantity of methamphetamine and a quantity of cocaine, Schedule II controlled substances.

7. On or about October 25, 2003, Defendant JOSE PRIETO possessed approximately 292 grams of methamphetamine, its salts, isomers and salts of its isomers, a Scheduled II controlled substance, with intent to distribute.

8. On or about October 25, 2003, Defendant JOSE PRIETO stored approximately \$24,380 in United States currency in a residence in Waikoloa, Hawaii.

9. On or about October 26, 2003, Jose M. Mejia, aka "Flaco," aka "Don Jose" and Eric R. Mejia, not defendants herein, stored approximately \$5,000 in United States currency and an electronic scale in a residence in Kailua-Kona, Hawaii.

All in violation of Title 21, United States Code,
Section 846.

COUNT 2

The grand jury further charges that:

On or about June 9, 2003, in the District of Hawaii,
Defendant JOSE PRIETO did knowingly and intentionally possess
with intent to distribute five grams of cocaine, a Schedule II
controlled substance.

In violation of Title 21, United States Code, Section
841(a)(1).

841(a)(1) and Title 18, United States Code, Section 2.

COUNT 3

The grand jury further charges that:

On or about October 25, 2003, in the District of
Hawaii, Defendant JOSE PRIETO did knowingly and intentionally
possess with intent to distribute 292 grams of methamphetamine,
its salts, isomers and salts of its isomers, a Schedule II
controlled substance.

All in violation of Title 21, United States Code,
Sections 841(a)(1).

SENTENCING ALLEGATIONS

1. With respect to Count 1 of the First Superseding Indictment;

The Defendant distributed, possessed with intent to distribute and conspired to possess with intent to distribute and to distribute 292 grams of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

2. With respect to Count 3 of the First Superseding Indictment;

The Defendant possessed with intent to distribute 292 grams of methamphetamine, its salts, isomers and salt of its isomers, a Schedule II controlled substance.

DATE: SEP 29, 2004, at Honolulu, Hawaii.

A TRUE BILL

/s/

FOREPERSON, GRAND JURY

EDWARD H. KUBO, JR.
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District of Hawaii


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THOMAS MUEHLECK
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United States v. Jose Prieto